

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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MARKO FLORES,

Petitioner,

-against-

ORDER  
10-CV-5667 (JS)

UNITED STATES OF AMERICA,

Respondent.

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APPEARANCES:

For Petitioner: Marko Flores, pro se  
59632-053  
Canaan U.S. Penitentiary  
P.O. Box 300  
Waymart, PA 18472

For Respondent: No appearance

SEYBERT, District Judge:

Pending before the Court is Petitioner Marko Flores' Petition, pursuant to Section 2255 of Title 28 of the United States Code, to clarify the terms of the sentence that this Court imposed on him on May 8, 2002. Because Petitioner is currently imprisoned in Waymart, Pennsylvania, this Court lacks jurisdiction to adjudicate his Petition. See Rumsfeld v. Padilla, 542 U.S. 426, 435-36, 124 S. Ct. 2711, 2718 159 L. Ed. 2d 513 (2004). Accordingly, and in the interests of justice, the Court shall transfer this petition to the Middle District of Pennsylvania, the District of Petitioner's incarceration.

It is hereby ORDERED, that the Clerk of the Court transfer this Petition to the Middle District of Pennsylvania, pursuant to 28 U.S.C. § 1631. The Clerk of the Court is also directed to mail Petitioner a copy of this Order.

SO ORDERED.

/s/ JOANNA SEYBERT  
Joanna Seybert, U.S.D.J.

Dated: January 13, 2011  
Central Islip, New York